

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESALE PRICE)	MDL NO. 1456
LITIGATION)	Civil Action No. 01-12257-PBS
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THIS DOCUMENT RELATES TO)	Hon. Patti B. Saris
CLASS 1 RESIDENTS OF THE)	
DISTRICT OF COLUMBIA AND)	
STATES OTHER THAN THE)	
COMMONWEALTH OF)	
MASSACHUSETTS)	
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**THE J&J DEFENDANTS' POST-REMAND MOTION FOR SUMMARY JUDGMENT
AGAINST CLASS 1 RESIDENTS OF THE DISTRICT OF COLUMBIA AND STATES
OTHER THAN THE COMMONWEALTH OF MASSACHUSETTS**

Johnson & Johnson, Centocor, Inc., and Ortho Biotech Products, LP (the "J&J Defendants"), by their attorneys, respectfully move this Court, pursuant to Rule 56 of the Federal Rules of Civil Procedure, for summary judgment against Class 1 residents of the District of Columbia and states other than Massachusetts. The grounds for said motion are set forth in the accompanying Local Rule 56.1 Statement, supporting memorandum, declaration of Andrew D. Schau, exhibits thereto, and the full Track One discovery and trial record.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1, the J&J Defendants, believing that oral argument may assist the Court in resolving the issues presented in this motion, respectfully request that oral argument be heard.

Dated: November 23, 2009

/s/ Andrew D. Schau

Andrew D. Schau

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CERTIFICATION PURSUANT TO LOCAL RULE 7.1

Pursuant to Local Rule 7.1(a)(2), the undersigned certifies that I conferred with counsel for plaintiffs and was advised that plaintiffs do not consent to this motion.

/s/ Andrew D. Schau
Andrew D. Schau

CERTIFICATE OF SERVICE

I certify that on November 23, 2009 a true and correct copy of the foregoing was delivered via electronic service to all counsel of record pursuant to Case Management Order No. 2.

/s/ Andrew D. Schau
Andrew D. Schau